IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

Bail Appl..No. 4931 of 2007()

CRIME NO.208/07 OF KADAKKAL POLICE STATION

PETITIONER/4TH ACCUSED:

SUKU, S/O. VISWANATHAN,
PODIYANKUZHY VEEDU, EDATHARA P.O., KADAKKAL,
KOLLAM DISTRICT.

BY ADV. SRI.SAJU.S.A

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 4931 OF 2007

Dated this the 16th day of August, 2007

ORDER

Application for anticipatory bail. The petitioner is the 4th accused. Altogether, there are about 40 accused persons. They face allegations, inter alia, under Sec.308 read with Sec.149 of the IPC. The crux of the allegations is that the accused persons were members of an unlawful assembly and one of them in prosecution of the common object of the unlawful assembly allegedly attempted to inflict an injury on the head of one of the victim by beating him with an iron rod. The said iron rod did not land at the intended destination. It slipped and fell on the less vital parts of the body. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The petitioner is not the one who is alleged to have wielded the weapon. Some of the co-accused, who had approached this Court earlier, were granted

anticipatory bail as per the order dated 19/7/07 in B.A. No.4346/07. The case against the petitioner is also exactly like the case as against the persons who were granted anticipatory bail. In these circumstances, anticipatory bail may be granted to the petitioner herein also subject to appropriate conditions, submits the learned counsel for the petitioner.

2. The learned Public Prosecutor does not oppose the said prayer and I am satisfied, in these circumstances, that subject to identical conditions as were imposed on the co-accused, anticipatory bail can be granted to the petitioner herein also.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 23/8/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m. on 24/8/07 and 25/8/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, he shall so make himself available for

interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 23/8/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 23/8/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge